

REMARKS

This response is submitted in response to the Final Office Action dated December 23, 2004, and respectfully requests that the Examiner reconsider the rejection of the claims as set forth therein. In the event that the Examiner determines that the foregoing Amendments do not place the application in condition for allowance, it is respectfully requested that the foregoing Amendments be entered to place the claims in better form for consideration upon appeal.

The applicant filed a response on October 7, 2003 to the Office Action of July 9, 2003. This Final Rejection is in reply to the applicant's response of October 7, 2003.

Previously, in the Response After Final Rejection Under 37 CFR 1.116 filed on March 13, 2003 to the Final Office Action of January 8, 2003, the applicant had amended claims 1 and 10 to add the limitation of displaying simultaneously the old and new messages as follows:

Claim 1: --displaying simultaneously said new message on said display unit in a second display attribute different from said first display attribute.—

Claim 10: -- for displaying a new message simultaneously on said display unit in a second display attribute different from said first display attribute when said new message is received by said message receiving unit during the display of said messages.--

In the Office Action of July 9, 2003, the Examiner issued a rejection under 35 U.S.C. 112, first paragraph, of claims 1-18 alleging that the addition of the limitation "simultaneously" introduced new matter into the application.

In the applicant's response of October 7, 2003, the applicant presented arguments citing portions of the specification that were intended to counter the Examiner's rejection of claims 1-18 under 35 U.S.C. 112, first paragraph, as introducing new matter into the application.

In the instant Final Rejection of December 23, 2003, the Examiner indicates the following:

35 U.S.C. 112, First Paragraph: Claims 1-18

The Examiner has rejected claims 1-18 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.


The Examiner alleges that support for the limitation to simultaneously display could not be found in the specification as originally filed. The Examiner concedes that the applicant did point to the specification for support. However, the Examiner indicates that the specification states that "...which the user has viewed until then.." implies that the view of the old message is no longer presented and therefore, support for simultaneous display is lacking.

The Examiner also states in the Response to Arguments that the applicant's arguments filed on October 9, 2003 regarding the 35 U.S.C. 112, first paragraph rejection have been fully considered but the Examiner alleges that they are not persuasive. The Examiner concedes that the applicant pointed to other portions of the specification but the Examiner asserts that like other portions of the specification, support for first displaying one message and then displaying a next message.

In response, although the applicant disagrees, to advance the prosecution of the application in response to the rejection under 35 U.S.C. 112, first paragraph, the applicant has amended claims 1 and 10 to delete the limitation of "simultaneously".

In view of the foregoing Remarks, the applicant respectfully requests that the Examiner enter this amendment. The foregoing Amendment and Remarks establish the patentable nature of all of the claims, i.e. claims 1-18, in the application. No new matter has been added and no new issues have been raised. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully solicited.

Respectfully submitted,


Anthony N. Fresco
Registration No. 45,784

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343/4366 FAX

ANF:yd